

MINUTES
WILLIAMSTOWN BOARD OF SELECTMEN
April 13, 2009
7:00 P.M.

Present: Jane B. Allen, Chairman, Tom Costley, Richard C. Steege, David A. Rempell

Absent: Ronald Turbin

Others Present: Tim Kaiser, Charles St. John, Sam Blum, Philip Cantelon, Debby Dane, Pam Malumphy, Peter Fohlin, Kathy Poirot

- 1. CHAIRMAN'S OPENING STATEMENT:** Ms. Allen congratulated organizer Jessica Lemieux and other volunteers and participants of Richie's Run for thyroid cancer research held on April 11th. She also congratulated all town employees for maintaining Williamstown's Moody's Investors Service Aa3 rating, citing "the town's solid financial performance characterized by healthy reserve levels, a moderately-sized economy anchored by the higher education sector, and a low debt burden."
- 2. SELECTMEN'S MINUTES:** March 23, 2009 – Mr. Rempell moved to approve the March 23, 2009 minutes. Mr. Costley seconded and the motion carried unanimously.
- 3. PETITIONER'S REQUEST:** None
- 4. PUBLIC HEARING:**

A. 7:05 PM Public Hearing for a Request from Williamstown Theatre Foundation d/b/a Williamstown Theatre Festival for a Seasonal Wine & Malt Beverage License at 863 Main Street (Williams College - Goodrich Hall), service on the first floor only, hours from 11 pm to 2 am, Ira Lapidus, Manager. Chairman Allen opened the public hearing at 7:05 p.m. There were no comments from the public. Ms. Allen closed the public hearing. Mr. Rempell moved to approve the request as presented. Mr. Costley seconded and the motion carried unanimously.

5. ITEMS FOR SELECTMEN'S CONSIDERATION:

A. Williams College 13th Annual Run For a Cure – *April 26* (Sam Blum) – Mr. Rempell moved to approve the route for the Williams College 13th Annual Run for a Cure. Mr. Steege seconded and the motion carried unanimously.

B. Appointment of Republican Representative on the Board of Registrars – Mr. Rempell moved to approve the appointment of Philip Cantelon as the Republican Representative on the Board of Registrars. Mr. Steege seconded and the motion carried. Town Clerk Mary Kennedy said she would send of letter of thanks to outgoing representative, Robert Diodatti for his 17 years service on the Board.

C. Set Water Rate – Mr. Rempell moved to set the water rate at \$3.37 per 100 cubic feet. Mr. Steege seconded and the motion carried unanimously.

D. Set Sewer Rate – Mr. Rempell moved to set the sewer rate at \$4.92 per 100 cubic Feet. Mr. Costley seconded and the motion carried unanimously.

Cold Spring Road Sewer Rate – Mr. Rempell moved to set the sewer rate for Cold Spring Road at \$5.39 per 100 cubic feet. Mr. Steege seconded and the motion carried unanimously.

E. Set Transfer Station Rate – Mr. Rempell moved to set annual transfer sticker fee at \$75 and trash bags at \$2.50 and \$1.25 and disposal rates as presented. Fees remain the same as last year. Mr. Costley seconded and the motion carried unanimously.

F. 2009 Annual Town Meeting Warrant Selectmen Recommendations:

Although this year's town election lacks any contests, a request from the Town Clerk to set shortened voting hours from 11 a.m. to 7 p.m. at a savings of \$555, selectmen discussed the impression the town would be sending about voting. Mr. Steege was concerned about disrupting voting patterns and Mr. Rempell felt the town would be making a statement that it isn't important to vote. Mr. Costley said he wasn't persuaded that the \$555 was work saving and that we should send a message that on the importance of our democracy. Mr. Rempell moved to keep voting hours from 7:00 a.m. to 8:00 p.m. Mr. Costley seconded and the motion carried unanimously.

Article 3. To Appropriate Free Cash to Lower the Tax Rate: Mr. Rempell moved to recommend the Town vote to appropriate the sum of \$440,611 from the general fund unreserved fund balance to reduce the tax rate, or take any other action in relation thereto. Mr. Steege seconded and the motion carried 4-0.

Article 4. Williamstown Elementary School Circuit Breaker Funds: Mr. Rempell moved to recommend the Town vote to transfer the sum of \$114,267 from the general fund unreserved fund balance to the Williamstown Elementary School for Circuit Breaker Special Education expenses, or take any other action in relation thereto. Mr. Steege seconded and the motion carried 4-0.

Article 5. Debt Services: Mr. Costley moved to recommend the Town vote to raise and appropriate or appropriate from available funds in the treasury, the sum of \$510,900 from taxation and that \$11,007 be appropriate from the Sherman Burbank Memorial Fund. Mr. Rempell seconded and the motion carried 4-0.

Article 6. General Government: Mr. Rempell moved to recommend the Town vote to raise and appropriate \$5,912,148 from taxation; that \$82,219 be appropriated from estimated water receipts; that \$9,000 be appropriated from the Cemetery Perpetual Care Trust Fund; and that \$6,290 be appropriated from the Sherman Burbank Memorial Trust. Mr. Costley seconded and the motion carried 4-0.

Article 7. Capital Improvement Program: Mr. Rempell moved the Town vote to raise and appropriate the sum of \$445,596 from taxation, that \$125,343 be raised and appropriated from estimated water receipts, that \$324,657 be appropriated from Water Fund Unreserved Fund Balance and that \$45,000 be raised and appropriated from estimated water receipts. Mr. Steege seconded and the motion carried 4-0.

Article 8. Local Public Schools (Grades K-6): Mr. Steege moved the Town vote to raise and appropriate the sum of \$5,261,543 from taxation. Mr. Rempell seconded and the motion carried unanimously 4-0.

Article 9. Northern Berkshire Vocational Regional School District: Mr. Rempell moved the Town vote to raise and appropriate the sum of \$254,933 from taxation. Mr. Steege seconded and the motion carried unanimously 4-0.

Article 10. Mount Greylock Regional School District: Mr. Rempell moved the Town vote to raise and appropriate the sum of \$4,413,109 from taxation. Mr. Costley seconded and the motion carried unanimously 4-0.

Article 11. Finance Committee Reserve Fund: Mr. Rempell moved to recommend the Town vote to raise and appropriate the sum of \$75,000 for the Finance Committee Reserve Fund. Mr. Steege seconded and the motion carried unanimously 4-0.

Article 12. Williamstown Chamber of Commerce: Mr. Costley moved to recommend the Town vote to raise and appropriate the sum of \$24,516 for the Williamstown Chamber of Commerce. Mr. Rempell seconded and the motion carried unanimously 4-0.

Article 13. Williamstown Youth Center: Mr. Steege moved to recommend the Town vote to raise and appropriate the sum of \$64,128 to support the Williamstown Youth Center. Mr. Costley seconded and the motion carried 3-0-1. Mr. Rempell abstained.

Article 14. A Youth Center at the Elementary School: Mr. Steege moved to recommend the Town vote to transfer from the School Committee the care, custody and control of a portion of the land shown as Assessors' parcel 119-88, located at 53-125 Church Street, to the School Committee for the purpose of sale, lease or other transfer; and further, to authorize the School Committee, acting in accordance with MGL, to convey said property by sale, lease, or other means for the purpose of constructing a youth center. Mr. Costley seconded and the motion carried 3-0-1. Mr. Rempell abstained.

Article 15. Public Library Revolving Fund: Mr. Steege moved to recommend the Town vote to adopt this article. Mr. Rempell seconded and the motion carried 4-0.

Article 16. Sewer Department: Mr. Steege moved to recommend the Town vote to appropriate \$1,106,988 from estimated sewer receipts. Mr. Costley seconded and the motion carried 4-0.

Article 17. Water Department: Mr. Steege moved to recommend the Town vote to appropriate the sum of \$860,060 from estimated water receipts. Mr. Rempell seconded and the motion carried 4-0.

Article 18. Water Rate: Mr. Rempell moved to recommend the Town vote to approve a municipal water rate of \$3.37 per 100 cubic feet. Mr. Steege seconded and the motion carried 4-0.

Article 19. To Replace Well #1: Mr. Rempell moved to recommend the Town vote to approve the sum of \$892,000 to replace Well #1 to be repaid from water enterprise fund receipts. Mr. Steege seconded and the motion carried 4-0.

Article 20. Transfer Station Department: Mr. Costley moved to recommend the Town vote to appropriate the sum of \$168,722 from estimated transfer station receipts and

\$20,000 from transfer station unreserved fund balance. Mr. Rempell seconded and the motion carried 4-0.

Article 21. Chapter 90 Highway Funds: Mr. Rempell moved to recommend the Town vote to appropriate from Chapter 90 funds that are or may become available to the Town during the fiscal year for Capital Projects and to authorize the Treasurer to borrow such amounts in anticipation of reimbursement from the Commonwealth. Mr. Steege seconded and the motion carried 4-0.

Article 22. Community Preservation – Community Housing: Mr. Costley moved to recommend the Town vote to appropriate \$400,000 to fund a grant to Church Corner, LLC to be used for the construction of no less than eight units of deed restricted affordable housing at land located at 201-207 Cole Avenue and to authorize the Board of Selectmen to enter into a grant agreement with Church Corner, LLC outlining the purposes for and the conditions upon which these funds may be expended and to authorize the Board of Selectmen or its designees to accept one or more deed restrictions on said property meeting the requirements of MGL c 184 section 31. Mr. Steege seconded and the motion carried 4-0.

Article 23. Community Preservation – Preservation of Historic Resources: Mr. Steege moved to recommend the Town vote to accept this article. Mr. Costley seconded and the motion carried 4-0.

Article 24. Community Preservation – Open Space and Expenses FY10: Mr. Rempell moved to recommend the Town vote to accept this article. Mr. Steege seconded and the motion carried 4-0.

Article 25. Community Preservation – Committee Membership: Mr. Rempell moved to recommend the Town vote to accept this article. Mr. Steege seconded and the motion carried 4-0.

Article 26. Acceptance of Chapter 41, Section 100G ¼ Payment of Funeral Expenses of Police and Firefighters Killed in Line of Duty: Mr. Costley moved to recommend the Town vote to accept this article. Mr. Steege seconded and the motion carried 4-0.

Article 27. Increase Demand Fee for Overdue Taxes: Mr. Costley moved to recommend the Town vote to accept this article. Mr. Rempell seconded and the motion carried 4-0.

Article 28. Assessor Parcel 305-2 “Blair Lot”: Mr. Rempell moved to recommend the Town vote to accept this article as written “Article 28. II” of the draft warrant presented. Mr. Steege seconded and the motion carried 3-1.

Article 29. Expand Board of Library Trustees from 5 to 7: Mr. Rempell moved to recommend the Town vote to accept this article. Mr. Costley seconded and the motion carried 4-0.

Article 30. Sign By-law Amendment: Mr. Costley moved to recommend the Town vote to accept this article. Mr. Steege seconded and the motion carried 4-0.

Article 31. To Establish Economic Opportunity Areas: Pam Malumphy, Regional Director of the Mass. Office of Business Development in Pittsfield, discussed aspects of the article which if approved would designate the town's various business districts as economic opportunity areas. This would open up incentives such as a 10% tax credit for businesses taking over abandoned buildings and a 5% investment tax credit. She added the Town could also sweeten deals by offering its own incremental tax plans.

Mr. Rempell moved to recommend the Town vote to accept this article. Mr. Costley seconded and the motion carried 4-0.

Article 32. Zoning By-law Amendment: Mr. Costley moved to recommend the Town vote to accept this article. Mr. Steege seconded and the motion carried 4-0.

Article 33. Zoning By-law Amendment: Mr. Costley moved to recommend the Town vote to accept this article. Mr. Rempell seconded and the motion carried 4-0.

Article 34. Zoning Board of Appeals Three Associate Members: Mr. Rempell moved to recommend the Town vote to accept this article. Mr. Steege seconded and the motion carried 4-0.

G. Water and Sewer Warrant - Mr. Rempell moved to approve the water and sewer warrant for \$205,052.35. Mr. Steege seconded and the motion carried unanimously.

H. Northern Berkshire Business & Professional Women 45th Anniversary – Mr. Rempell moved selectmen sign the Northern Berkshire Business & Professional Women 45th Anniversary citation as presented. Mr. Steege seconded and the motion carried unanimously.

I. National Volunteer Week Proclamation – Mr. Costley moved selectmen sign the National Volunteer Week Proclamation as presented. Mr. Rempell seconded and the motion carried unanimously.

J. Arbor Day Proclamation – Mr. Rempell moved selectmen sign the Arbor Day Proclamation as presented. Mr. Steege seconded and the motion carried unanimously.

K. American Lung Association 3rd Annual Cross State Trek – June 27 – Mr. Rempell moved to approve the route for the 3rd Annual American Lung Association Cross State Trek. Mr. Steege seconded and the motion carried unanimously.

L. Mass. Dept. of Telecommunications and Cable Request for Comment – WilliNet Executive Director, Debby Dane asked selectmen to go on record in opposition to the request from Verizon to withhold cable subscriber information from public disclosure by amending Form 500 to no longer require disclosure of total subscribers, applying to all cable licensees. Ms. Dane said this could mean Time Warner would no longer provide subscriber information putting WilliNet and the town at a disadvantage in future negotiations. Form 500 requires cable licensees to report the number of subscribers in each municipality it covers, the number of complaints they receive and how those complaints are resolved. Verizon has petitioned the state to eliminate the annual reporting because it directly helps its long-established competition. Ms. Dane added that if the subscriber numbers are not reported in our town, it makes it difficult to hold Time Warner accountable to the contract because our franchise fees are based on

the subscription rate.

Mr. Rempell moved that Chairman Allen write a letter in opposition of the elimination of Form 500. Mr. Costley seconded and the motion carried unanimously. Ms. Allen also recommended that Ms. Dane and Cable Advisory Committee Chairman Anne Skinner also send letters by May 1.

6. LICENSES AND PERMITS: Seasonal Renewal

A. Sterling & Francine Clark Art, d/b/a Clark Art Institute, 225 South Street, Steven Wilkinson, Manager
Seasonal Wine & Malt Beverage
Common Victualer

Mr. Rempell moved to approve the seasonal renewal as presented. Mr. Costley seconded and the motion carried unanimously.

7. TOWN MANAGER'S REPORT: See attached.

8. OTHER BUSINESS:

Mr. Costley thanked Bill Madden of Chestnut Street for his letter regarding the Highway Department keeping up snow removal and sanding his road. Mr. Costley also asked residents to note how important responding to the 2010 federal census is in municipalities receiving aid and to be aware that census takers will be contacting them during the months of April through July.

Mr. Rempell said the Williams College facilitated a Volunteer day last week and students and faculty painted at the Youth Center.

Ms. Allen announced Mt. Greylock Regional School District Committee Chairman David Archibald said Michael Rabidoux has resigned. Selectmen will need to appoint another member to fill that seat.

9. ADJOURN: Mr. Costley moved to adjourn. Mr. Rempell seconded and the motion carried unanimously. The next Selectmen Meeting is Monday, April 27, 2009 at 7 p.m.

Respectfully submitted,

David A. Rempell
Selectman

DAR/kp